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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/581,481 | 04/06/2007 | Tsutomu Ikeda | 00684.517380. | 3895 |
| 5514 7590 05/11/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800 | | | | |
| EXAMINER | | | | |
| CHOW, YUK | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2629 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 05/11/2010 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,481

Applicant(s)

IKEDA ET AL.

Examiner

YUK CHOW

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 12- and 5-8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Interval Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1- 2, 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuda (US 2005/0190431).

As to **claim 1**, Matsuda discloses a particle movement-type display apparatus, comprising:

a substrate (Fig. 2(1a));

a plurality of pixels (Fig. 2(G1,G2,G3));

a partition wall disposed on the substrate for partitioning the plurality of pixels (Fig. 2(wall below 7)); and

particles disposed at the plurality of the pixels (Fig. 2(3a,3b));

wherein the plurality of the pixels and the partition wall constitute a display portion around which a peripheral area is disposed (Fig. 2(area A));

wherein the peripheral area includes a projection portion (Fig. 2(7)) , and

wherein the projection portion or the partition wall is provided with a recess portion at a surface thereof opposite from a surface thereof facing the substrate (see

Fig. 2, area A has a recess portion due to the width became narrower towards the substrate 1b).

As to **claim 2**, Matsuda discloses an apparatus according to Claim 1, wherein the recess portion has a depth which is not less than a diameter of the particles (see Fig. 2, depth of recess area A is less than a diameter of the particles).

As to **claim 5**, Matsuda discloses a particle movement-type display apparatus, comprising:

a substrate (Fig. 2(1a));

a plurality of pixels (Fig. 2(G1,G2,G3));

a partition wall disposed on the substrate for partitioning the plurality of pixels (Fig. 2(wall below 7)); and

particles disposed at the plurality of pixels (Fig. 2(3a,3b))

wherein the plurality of pixels and the partition wall constitute a display portion around which a peripheral area is disposed (Fig. 2(area A));

wherein in the peripheral area, a plurality of a projection portions each having a height substantially equal to a height of the partition wall is provided (Fig. 2(7) has same height of partition wall which is directly below); and

wherein each of the projection portions is separated by a spacing area (Fig. 2 shows each (7) is separated by spacing).

As to **claim 6**, Matsuda discloses an apparatus according to Claim 5, wherein the projection portion has curved line shape (see Fig. 2(7) has a curved line shape).

As to **claim 7**, Matsuda discloses an apparatus according to Claim 5, wherein the projection portion has a line width, which is not more than ten times a diameter of the particles, at an upper surface thereof (see Fig. 2, area A is not bigger than ten times diameter of the particles).

As to **claim 8**, Matsuda discloses a particle movement type display apparatus, comprising:

- a substrate (Fig. 2(1a));
 - a plurality of pixels (Fig. 2(G1,G2,G3));
 - a partition wall disposed on the substrate for partitioning the plurality of pixels (Fig. 2(wall below 7)); and
 - particles disposed at the plurality of pixels (Fig. 2(3a,3b));
- wherein the partition wall is provided with a recess portion at a surface thereof opposite from a surface thereof facing the substrate (see Fig. 2, area A has a recess portion (7) and facing the substrate 1b).

Response to Arguments

2. Applicant's arguments with respect to claims 1-2 and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUK CHOW whose telephone number is (571)270-1544. The examiner can normally be reached on 8-6 M-TH E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. C./
Examiner, Art Unit 2629

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629